IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL ST.NO. 25224 OF 2006.

Amarnath Pandey. ... Appellant.

Versus.

Municipal Corporation of Greater Mumbai. ... Respondent.

Shri G.S.Bhatt for the Appellant.

Shri J.J.Xavier for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 23rd January, 2007.

P.C.:

1. The Advocate for the Appellant has tendered an affidavit of the Appellant. The affidavit is taken on record and marked "X". He seeks permission to withdraw the Appeal with liberty to apply to the Respondent-Corporation for regularisation of the suit structure as per the policy of the Respondent of protecting the structures in slum area. The Appeal is dismissed as withdrawn.

2. It will be open for the Appellant to make an application for regularisation in terms of the policy to the concerned authority of the Respondent-Corporation within a period of four weeks from today. If the application is made within the period of four weeks from today, the concerned authority of the Respondent-Corporation will decide the same within a period of 16 weeks from the date on which the

Application is made by the Appellant. If the Application is made by the Appellant within the period of four weeks, for a period of six months from today both the parties will maintain status-quo as of today in respect of the suit structure.

3. It is made clear that no adjudication is made as regards the entitlement of the Appellant to get the structure regularised as per the policy of the Respondent and it is for the appropriate authority of the Respondent-Corporation to take appropriate decision.

4. If the application for regularisation is not made within the stipulated period of four weeks from today, the Respondent-Corporation will be free to proceed in accordance with the law.

5. The parties to act on an authenticated copy of this order.

Judge.